

TRYING PATRICK BACKWARD.

PROSECUTION BENT ON PROVING FORGERY FIRST.

No Mention of the Crime of Murder in Yesterday's Testimony—Much About \$25,000 Check—Swenson Says Prisoner Told Him That Bananas Killed Him.

Taking of testimony in the case of Albert T. Patrick, the lawyer who is on trial for the murder of William Marsh Rice on Sept. 23, 1900, was begun yesterday before Recorder Goff. There was not the slightest allusion throughout the day to the actual crime with which Patrick is charged. Most of the first day's evidence was relative to the checks Patrick is charged with having forged Rice's signature to and to his efforts to get them cashed on the day after the old millionaire's death. Anybody in the audience if not familiar with the case would have got the impression that the bald-headed prisoner with the red, pointed beard was on trial for forgery rather than murder.

The comment of the lawyers for the defense on the method adopted by the prosecution was that the representatives of the District Attorney's office were trying the case backward. Their objections were frequent. The Assistant District Attorney's explanation was that he proposed to establish first the conspiracy between Patrick and Jones, the valet, and the fact that Patrick was prepared to enjoy the fruits of the crime.

John H. Wallace, the bank clerk in Swenson & Sons of 15 Wall street, who was the first man to discover the irregularities in the check for \$25,000 which Patrick presented for certification on the day after Rice's death, was the first witness. He said that he had been employed at Swenson's for twenty-five years as clerk and paying teller; that he had known William Marsh Rice for twenty years in a business way, and that he was familiar with his writing. He also said that he knew Rice's valet, Charles F. Jones, and that he was familiar with Jones's handwriting.

THAT \$25,000 CHECK.

Assistant District Attorney Garvan, who began the direct examination for the prosecution, then presented the check for \$25,000 dated Sept. 23, 1900, made out to "Albert T. Patrick, signed 'W. M. Rice,' and indorsed 'Albert T. Patrick,' and asked Wallace if he had ever seen it before and when and where. The witness replied that he had first seen it on Sept. 24, 1900, when it was presented for certification at Swenson's bank by David L. Short. He said that he recognized the writing of the body of the check as that of Valet Jones, but was suspicious of the signature, which he compared with Rice's signature on several other checks and vouchers, and then returned the check to Short, who returned forty minutes later.

"What was the indorsement on the check when it was first presented?" asked Mr. Garvan.

"It was Albert T. Patrick."

"What was it when Short returned with it?"

"Albert T. Patrick, to correspond with the spelling on the face of the check," replied Mr. Garvan.

Mr. Garvan then offered the check in evidence, but Mr. Moore objected on the ground that the altered indorsement was not relevant. The objection was overruled, but the check was marked for identification.

"When the check was presented the second time," replied Wallace to several questions in the direct examination, "it was returned to me by Mr. Short, who returned it to Mr. Swenson. There was some telephoning and then the check was accepted. Then, after more telephoning, the certification on the check was crossed out and Short went away with it again."

The telephoning referred to was with Jones. According to the testimony of preliminary hearings and to the confession of Mr. Wallace, who picked up the valet on the telephone and asked for Mr. Rice. The reply was that Mr. Rice could not come to the telephone just then. Wallace then called on Jones about the check and the valet replied that it was all right.

"Have you a vivid mental picture of Rice's signature?" asked Mr. Moore in beginning the cross-examination of Wallace.

"I am not a handwriting expert."

"Well, is the signature, W. M. Rice, on this check genuine?"

Mr. Wallace declared that, in his opinion, the signature was not genuine, and he was very positive about it. Wallace had not seen the signature since he saw it on the check, but he was an expert at \$1,000, and the jury-men laughed. But at the end of half an hour of cross-examination, Wallace was just as certain as he was at first that the signature was not genuine.

DECLARES SIGNATURE ROGUES.

Walter O. Wetherbee, head clerk in Swenson & Sons' bank, was the next witness. He was the first to see the signature on the day the check was presented by Short. He agreed from the first with Wallace that the signature was forged, and he yesterday corroborated the testimony of the first witness on that point. Mr. Wetherbee is one of the witnesses of the grand jury in 1900. That was introduced in evidence yesterday and Mr. Wetherbee identified his own signature on it and that of Mr. Rice.

Wetherbee was also the first to approach by date at the instigation of Patrick, according to the prosecution, with the proposition that Wetherbee act as a witness in a second trial, the will of the alleged to have been forged by Patrick. Assistant District Attorney Osborne tried yesterday to establish that very important link in his conspiracy chain by asking the witness what and where he had ever met Jones and what had been said.

"I have seen Jones at 500 Madison avenue," replied Wetherbee, "and at my own home in Brooklyn."

"What did he say to you when he called at your home?"

Mr. Moore objected on the ground that the question had been asked for the purpose of showing that the alleged conspiracy was a continuous plot to kidnap Rice, and that the only case called by the prosecution was in January, 1900. He asked the witness to state the date of the meeting.

Mr. Moore also objected to Wetherbee's testimony on the ground that the case was a forgery.

"We will prove the case of forgery," said Mr. Moore, "and the prosecution must establish its guilt on that point in another trial, the jury will decide."

That objection was overruled.

At the conclusion of the direct and cross-examination of Wallace and Wetherbee, the case was adjourned until tomorrow.

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check, because Mr. Rice had intended that it should be paid. He told me that it would have been all right if there was no indorsement and that he had another check for \$50,000 and also an assignment to him of all the Rice securities in my bank. I told him for a copy of the assignment and he agreed to give me one if I would give a receipt for it. The copy was made, but I changed my mind about the receipt and gave him the copy that had been made, as well as the original. Then he said that I could have the copy without a receipt if I would indorse the original to show that it had been presented. I wouldn't do that. Then he told me to keep the copy away.

asked Patrick about Mr. Rice's illness. He said that he had been sick for some time and that the eating of several bananas had finally killed him. He said that the funeral was to be the next day and asked me to be there or to send a representative. He also said that the body was to be cremated, and when I expressed surprise at that he said that Mr. Rice had left a written order to have his body cremated.

By Mr. Garvan—Did he tell you why Mr. Rice had given him those checks? No. Did he say anything about a will? A No.

By Mr. Moore—Why did Patrick say that he was sorry you wouldn't pay the check? Had he asked you at any time to pay it? A. I wanted payment.

O. Hadn't he sent that check to you with a request that it be certified? A. There is no difference. If we certify a check we consider it paid.

PATRICK AND THE REPORTER.

Harold S. Abbott of North Carolina, who was the correspondent in this city for the Houston Post at the time of Mr. Rice's death, was the next witness. He told of an interview that he had with Patrick at the latter's boarding house on the day following the death and the day that Patrick had told Swenson that the body was to be cremated.

"What did Patrick tell you?" asked Mr. Garvan.

"He said that the body was to be sent to Wisconsin for burial."

Patrick's sister, Emma Patrick, who was the correspondent in this city for the Bowers & Saxe, the lawyers to whom Swenson first reported the irregularity of Patrick's proceedings, Gerard told of a call he made on the evening of Sept. 24, 1900, at Patrick's house with Detective Vallejo of the Central Office.

"I told Patrick," said the witness, "that the bankers looked upon his actions as extraordinary and had asked me to investigate. I asked him why it was necessary for him to have a will and a general assignment of the Rice property, too. He said that that was a secret."

Just before adjournment Recorder Goff told the lawyers on both sides that they had been too prolix and must do better during the remainder of the trial. The case will be resumed on Monday.

Patrick's sister, Emma Patrick, who arrived in this city from Texas on Thursday with Patrick's young daughter Lillian, did not see the prisoner yesterday. She will be allowed to visit him to-day in the Tombs.

WANTS CHINA TO RELENT.

Prince Ching Will Ask the Court to Restore Peking Industrial Institution.

Special Cable Dispatch to THE SUN.

PEKING, Jan. 24.—As the result of pressure brought to bear upon him Prince Ching will memorialize the Throne, asking that more liberality be displayed in the treatment of the Peking Industrial Institution, which the court recently ordered to be closed on the suggestion of Chen Pi, the reactionary Governor of Peking. Prince Ching will also ask that the institution be allowed to revive its paper, the Common People, which Chen Pi succeeded in having suppressed. Prince Ching says the paper can be issued subject to the inspection of the censors.

The institution has been compelled to remove from its former quarters, and its promoters say that this means the court intends to strangle it, though a modification of the order of suppression may be issued. All the foreigners here and many officials including Viceroy Yuan Shih Kai, favor the promoters, but as yet they have been unable to defeat the pernicious influence of Chen Pi.

It is reported that a son of Prince Ching has been appointed Chinese Envoy to attend the coronation of King Edward. Sir Ernest Satow, the British Minister, has informed the Chinese that there is no objection to the appointment, but Prince Ching's brother would have been preferred. The appointment has not yet been confirmed by an edict.

FOREIGN ADVISERS FOR CHINA.

Yuan Shih Kai Advocates Means to Prevent Frauds by Native Boats.

Special Cable Dispatch to THE SUN.

PEKING, Jan. 24.—Yesterday was the last day on which condolences could be offered to the family of the late Hsiao Chang. There were many visitors at his house and a number of foreigners watched the ceremonies. Great quantities of paper imitations of the late Earl's possessions were burned.

Viceroy Yuan Shih Kai has memorialized the Throne asking that a foreign adviser be appointed for each of the eight boards. The Grand Council is considering the matter, but will probably limit the appointments to the six most important boards. It is expected that a trained diplomat is secured for the Wai Wu Pu (Foreign Board), a financier for the Board of Revenue and a military man for the Board of War. Yuan Shih Kai thinks that in this way it will be possible to circumvent frauds by natives.

WAGON MAKERS COMBINE.

Railway Vehicle Manufacturers Now in and Deal to Be Extended.

Special Cable Dispatch to THE SUN.

BERMINGHAM, Jan. 24.—The wagon manufacturer of the Midlands does not affect America, according to present reports. It is an amalgamation of concerns which are interested in the manufacture of railway wagons and not road vehicles. A movement is on foot, however, for a big combination of all wagon, carriage and coach makers to oppose American competition. The trade is now discussing proposals which are rather radical. The greatest difficulty is in being experienced in it, and to induce the small dealers to join the combine.

NO ASSAULT ON KING GEORGE.

Many Printed in Vienna to Be Held at Athens.

Special Cable Dispatch to THE SUN.

ATHENS, Jan. 24.—A despatch from Athens states that the report of an attempted assault upon the King of Greece is untrue.

The story as printed in Vienna was that while King George was walking in the park at Ploeris a man rushed forward brandishing a knife and tried to assault him. A park inspector intervened and saved his Majesty. In presenting King George the man was slightly injured. The King escaped unhurt. The man was arrested.

Meeting After Death of Mrs. Moore.

Special Cable Dispatch to THE SUN.

LONDON, Jan. 24.—The marriage of Lady Rose, the beautiful daughter of Lord Londonderry, to Lord Beauchamp, eldest son of the Earl of Beauchamp, will be celebrated at St. Peter's Church in Eaton square tomorrow. Over seven hundred guests, valued at £10,000, have been invited. The bride is the daughter of the King and Queen and many members of the royal family.

Federal of Anna Boncompagni.

Special Cable Dispatch to THE SUN.

ROME, Jan. 24.—The funeral of Anna Boncompagni, the young woman who was murdered last night, will be held tomorrow. The interment will take place in the cemetery of the Holy Sepulchre.

OUR FRIENDS IN WAR TIMES.

BRITISH ASSERTION OF FRIENDSHIP AND DENIALS.

London "Spectator" Says Full Report of the Transactions at Manila Would Show the German Attitude—No Jealousy Over Prince Henry's Visit.

Special Cable Dispatch to THE SUN.

LONDON, Jan. 24.—The Spectator finds the European denials of British friendship with the United States during the Spanish-American War amusing, particularly the German denial. It suggests that some Germanophile American Senator call for the publication of all the transactions between the German, American and British naval commanders in the Philippines in 1898, and says that the publication would finally set at rest the whole question of Germany's attitude. The Spectator continues:

It would have been utterly impossible for our Government, even if it was disinclined to be helpful, which it was not, to take any other position than it did. If America had actually been faced in arms by a European coalition England would have been beside her in twenty-four hours. The notion of Englishmen calmly looking on while foreign fleets were attacking New York and Boston is simply unthinkable.

The Spectator, while acknowledging that the Americans are by no means as conscious as Englishmen of racial solidarity, nevertheless does not doubt that if Great Britain was attacked by a European coalition, the Americans would immediately rally to cry, "Hands off." It protests against the idea reported from America that Viscount Cranborne's statement in the House of Commons regarding England's attitude was intended to damage Prince Henry's visit. Such an idea, it declares, is an entire delusion. The proposed visit causes no jealousy or uneasiness here, where Queen Victoria's sailor grandson is distinctly popular.

WHAT AUSTRIA DID.

Moved by a Desire for Peace and Not by Hostility to Us, It Is Said.

Special Cable Dispatch to THE SUN.

LONDON, Jan. 24.—The Vienna correspondent of the Times vouches for the accuracy of the following story: Prior to the opening of the Spanish-American War Austria agreed to care for the interests of Spaniards in the United States. No initiative was taken for mediation or intervention in any shape or form. No suggestion was made for a joint note to the United States or collective steps of any kind by Austria, nor did Austria accept any proposal that may have been made by those having those objects in view.

In fact, Austria's reserve was such as to occasion some little coolness with Madrid. The close relationship between the reigning families of Austria and Spain doubtless inspired the Austrians and Hungarians with a great deal of sympathy with Spain, but this did not influence the policy of the Government, which throughout was one of strict and absolute neutrality.

On the other hand, the Chronicle's Vienna correspondent declares that the Austrian Foreign Office fully corroborates Viscount Cranborne's statement, Austria for regard for Queen-Regent Christina joining the peace party headed by the Pope. The Austrian action was prompted solely by a desire for peace.

There was not the slightest hostility against the United States, which has always maintained the most cordial relations with Austria. Austria never ceased to move in the matter concurrently with the other Cabinets when a hint was received that the United States did not desire mediation.

CUBAN POSTAL FRAUD CASES.

Discovery of Shortage in Neely's Accounts Described in Court.

Special Cable Dispatch to THE SUN.

HAVANA, Jan. 24.—The hearing in the Post Office cases was resumed to-day. Col. Burton, auditor of the island, stated that he examined Neely's books on May 2, 1900, and found a shortage of \$45,000. He told Rathbone he thought Neely was a defaulter. Rathbone said he thought Neely was honest, and said that if witnesses examined the books again he would find them all right.

Special Agent Williams said he examined the books of the Post Office in May, 1900, and found a shortage. He told Rathbone about it and pointed out the difference in Rathbone's annual report and the accounts. Rathbone said that the credit of the department was gone. Subsequently Rathbone asked witness if he was sure about the shortage. Witness said he was, whereupon Rathbone said: "My God, we are ruined, but we have made a good postal service if they have robbed all the money."

IRISH AMENDMENT VOTED DOWN.

Question Raised by John Redmond—Morley and Home Rule.

Special Cable Dispatch to THE SUN.

LONDON, Jan. 24.—The House of Commons this evening debated an amendment offered by Mr. John Redmond, the Irish leader, to the address in reply to the king's speech opening the session of Parliament. The amendment raised the general question of Irish government, advocated compulsory land purchase and declared that Ireland demanded the immediate attention of Parliament with the view to harmonizing it and the Government with the opinion of a majority of Irishmen.

Mr. John Morley, formerly Chief Secretary for Ireland, was the principal speaker. He vigorously reaffirmed his adherence to home rule, saying: "I shall vote as I have for home rule, for any motion giving Ireland the same rights to self that the Government and colonies enjoy."

The motion was defeated by a vote of 101 to 134.

DISCOVERY OF A POOR SHIP.

British Expedition to the Antarctic on a Bitter Winter.

Special Cable Dispatch to THE SUN.

LONDON, Jan. 24.—The Daily Telegraph prints a letter from the office of the Admiralty, dated Jan. 23, in which it is stated that the Antarctic expedition, now bound to sea, has been discovered to be in a very poor state of health.

The expedition, which was sent to the Antarctic on a bitter winter, has been discovered to be in a very poor state of health. The expedition, which was sent to the Antarctic on a bitter winter, has been discovered to be in a very poor state of health.

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